



General Assembly

February Session, 2006

**Substitute Bill No. 5669**

\* \_\_\_\_\_HB05669JUD\_\_\_\_041106\_\_\_\_\_\*

**AN ACT CONCERNING THE CONFIDENTIALITY OF TELEPHONE RECORDS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2006*) (a) As used in this  
2       section:

3       (1) "Telephone record" means information retained by a telephone  
4       company that relates to a telephone number dialed by a customer or  
5       another person using the customer's telephone with such customer's  
6       permission, or the incoming number of a call directed to a customer or  
7       another person using the customer's telephone with such customer's  
8       permission, or other data related to such call typically contained on a  
9       customer's telephone bill, including, but not limited to, the time the  
10      call started and ended, the duration of the call, the time the call was  
11      made and any charges applied. A telephone record does not include  
12      information collected and retained by or on behalf of a customer  
13      utilizing caller identification or similar technology;

14      (2) "Telephone company" means any person that provides  
15      commercial telephone services to a customer, irrespective of the  
16      communications technology used to provide such service, including,  
17      but not limited to, traditional wireline or cable telephone service,  
18      cellular, broadband PCS or other wireless telephone service,  
19      microwave, satellite or other terrestrial telephone service, and voice

20 over Internet telephone service;

21 (3) "Telephone" means any device used by a person for voice  
22 communications, in connection with the services of a telephone  
23 company, whether such voice communications are transmitted in  
24 analog, data or any other form;

25 (4) "Customer" means the person who subscribes to telephone  
26 service from a telephone company or the person in whose name such  
27 telephone service is listed;

28 (5) "Person" means any individual, partnership, corporation, limited  
29 liability company, trust, estate, cooperative association or other entity;

30 (6) "Procure" in regard to a telephone record, means to obtain by  
31 any means, whether electronically, in writing or in oral form, with or  
32 without consideration.

33 (b) No person shall: (1) Knowingly procure, attempt to procure,  
34 solicit or conspire with another to procure a telephone record of any  
35 resident of this state without the authorization of the customer to  
36 whom the record pertains, (2) knowingly sell or attempt to sell a  
37 telephone record of any resident of this state without the authorization  
38 of the customer to whom the record pertains, or (3) receive a telephone  
39 record of any resident of this state with the knowledge such record has  
40 been obtained without the authorization of the customer to whom the  
41 record pertains or by fraudulent, deceptive or false means.

42 (c) The provisions of this section shall not apply to any person  
43 acting pursuant to a valid court order, warrant or subpoena and shall  
44 not be construed to prevent any action by a law enforcement agency,  
45 or any officer, employee or agent of such agency, to obtain telephone  
46 records in connection with the performance of the official duties of the  
47 agency.

48 (d) The provisions of this section shall not be construed to prohibit a  
49 telephone company from obtaining, using, disclosing or permitting

50 access to any telephone record, either directly or indirectly through its  
51 agents (1) as otherwise authorized by law, (2) with the lawful consent  
52 of the customer, (3) as may be necessarily incident to the rendition of  
53 the service, including, but not limited to, initiating, rendering, billing  
54 and collecting customer charges, or to the protection of the rights or  
55 property of the telephone company, or to protect the customer of those  
56 services and other carriers from fraudulent, abusive or unlawful use of  
57 or subscription to, such services, (4) to a governmental entity, if the  
58 telephone company reasonably believes that an emergency involving  
59 immediate danger of death or serious physical injury to any person  
60 justifies disclosure of the information, or (5) to the National Center for  
61 Missing and Exploited Children, in connection with a report submitted  
62 thereto under Section 227 of the Victims of Child Abuse Act of 1990.

63 (e) The provisions of this section shall not be construed to expand  
64 upon the obligations and duties of any telephone company to protect  
65 telephone records beyond those otherwise established by federal or  
66 state law, including, but not limited to, provisions governing customer  
67 proprietary network information in Section 222 of the  
68 Communications Act of 1934, as amended, and 47 USC 222.

69 (f) The provisions of this section shall not apply to a telephone  
70 company and its agents or representatives who act reasonably and in  
71 good faith pursuant to this section.

72 (g) Each telephone company that maintains telephone records of a  
73 resident of this state shall establish reasonable procedures to protect  
74 against unauthorized or fraudulent disclosure of such records which  
75 could result in substantial harm or inconvenience to any customer. For  
76 purposes of this subsection, a telephone company's procedures shall be  
77 deemed reasonable if the telephone company complies with the  
78 provisions governing customer proprietary network information in  
79 Section 222 of the Communications Act of 1934, as amended, and 47  
80 USC 222.

81 (h) Any violation of subsection (b) of this section: (1) Involving a

82 single telephone record of a resident of this state shall be a class C  
83 misdemeanor, (2) involving two to not more than ten telephone  
84 records of a resident of this state shall be a class B misdemeanor, and  
85 (3) involving more than ten telephone records of a resident of this state  
86 shall be a class A misdemeanor.

87 (i) Any violation of subsection (b) of this section shall be deemed an  
88 unfair or deceptive trade act or practice under subsection (a) of section  
89 42-110b of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2006</i>	New section
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**GL**            *Joint Favorable Subst.*

**JUD**           *Joint Favorable*